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SUBJECT: MACEDONIA: RELIGION LAW MEETS INTERNATIONAL STANDARDS

REF: SKOPJE 290

#### SUMMARY

**¶1.** (SBU) The Macedonian parliament adopted a new Law on Religious Communities and Groups in September that significantly strengthens religious freedom provisions, generally meets OSCE/ODIHR and Venice Commission standards, and supports Macedonia's NATO membership bid. Due to take effect in May 2008, the new law guarantees the right to freely practice one's religion and is arguably the most liberal in the region. The new law still requires religious entities to officially register to attain legal status in Macedonia, but the registration language is in line with international standards. We will carefully monitor implementation of the law to ensure it is evenly applied to all/all groups seeking to register and practice their religious beliefs here. End summary.

#### NEW RELIGIOUS FREEDOM LAW

**¶2.** (SBU) The Macedonian parliament passed the new Law on the Legal Status of Churches, Religious Communities and Religious Groups on September 5, after a two-year drafting process. Both Prime Minister Gruevski and Foreign Minister Milososki lobbied vigorously for the law, particularly with leaders of the Macedonian Orthodox Church (MOC) and the Islamic Community of Macedonia (ICM). Those efforts followed earlier approaches by the Ambassador and EmbOffs to GOM leaders underscoring the need to strengthen religious freedom in Macedonia as a key NATO membership criterion.

**¶3.** (U) The new law on religion will go into effect on May 1, 2008. The Ministry of Justice is tasked with drafting guidelines for implementation, and with training judges to properly enforce the law. Under the new law, the Skopje Basic Court will be responsible for registering religious groups; under existing legislation, the Minister of Interior has that responsibility. Judges are scheduled to begin their training in January and February 2008.

#### LIBERAL REGISTRATION PROVISIONS

**¶4.** (SBU) The new law further elaborates on freedom of religion guarantees provided in the Macedonian Constitution. Unlike the existing legislation, the new law states that an individual has the right to practice his religion in public

or private and does not have to be a member of a registered group in order to do so. The law includes, however, a registration requirement for those religious entities wishing to obtain legal status in order to own property or open a bank account. Registration is not/not required to form a religious group, or to perform religious ceremonies or rites, another positive departure from the previous law.

**¶15.** (SBU) The registration requirement was of concern to domestic and international observers throughout the drafting process. Original drafts of the law sought to limit registration to only one registered group per confession (a position favored by established religious groups such as the MOC and ICM) and to allow existing registered groups to veto the registration of a new group. In its final form, however, the law on religion eliminated all controversial registration requirements, simply requiring each religious group to register under a name and official insignia differentiating it from other groups (similar to a trademark registration). The new law arguably is the most liberal in the region.

**¶16.** (SBU) The new law contains a grandfather clause for all religious entities registered prior to 1998. Any religious entities registered after 1998 will be required to adjust their registration status according to the new law, and will have 60 days to comply with that requirement.

#### LIKELY TEST CASES FOR THE NEW LAW

**¶17.** (SBU) The registration of two often controversial religious groups in Macedonia likely will be the first test cases of the manner in which the GOM will implement the new law. The "Ohrid Orthodox Archbpopric" led by Jovan Vraniskovski, a defrocked Macedonian Orthodox Church Bishop

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now aligned with the Serbian Orthodox Church, attempted to register in 2004 and was refused under provisions of existing legislation (reftel). Vraniskovski is likely to re-submit a registration application when the new law takes effect next May.

**¶18.** (SBU) In a December 3 meeting with Poloff, the Minister of Justice's Chief of Staff, Nikolco Lazarov, said Vraniskovski's group would be able to register as long as his group does not use the name "Macedonian Orthodox Church" or "Ohrid Archbpopric," both of which already have been registered under the auspices of the MOC. The other potentially controversial registration involves the Bektashi, a Sufi Islamic sect, that is involved in an ongoing property dispute with the larger ICM, which does not recognize the Bektashi as an independent religious group. The Bektashi registered in 2000, but will be subject to re-registration under the new law's grandfather clause.

**¶19.** (SBU) Lazarov said that the new law on religion shows the GOM's support for a fair registration process for all religious groups, since the authority to approve registration requests has been vested in the courts, and groups can appeal a decision against registration. The new law also addresses OSCE/ODIHR and Venice Commission recommendations that it stipulate that all religious entities are "equal before the law," and that there is no numerical threshold for registration of a religious group.

#### THE RIGHT TO PERFORM RELIGIOUS RITES

**¶10.** (SBU) OSCE/ODIHR and the Venice Commission made suggested changes to the draft law in the section addressing the performance of religious rites and ceremonies. Nearly all the suggested changes were accepted, and the law now clearly states that individuals or groups can freely perform religious rites in public or private. The one remaining controversial clause addresses the "false representation of a religious servant" (e.g., a priest illegally claiming to represent a church in which he has not been ordained, or from

which he has been expelled). Both OSCE/ODIHR and the Venice Commission suggested clarifying language in order to ensure this clause would not be misused, but that suggestion was not incorporated into the law.

COMMENT

¶111. (SBU) According to OSCE/ODIHR and Venice Commission assessments, the new law generally meets international standards and represents a significant improvement over previous versions. The GOM, working with the religious groups in Macedonia and in coordination with OSCE/ODIHR and the Venice Commission, took an important step forward in creating a legal framework for protecting freedom of religion, which some international observers have suggested could be a model for the region. We will monitor implementation carefully to ensure that the registration provisions are evenly applied to all/all groups seeking to register and practice in Macedonia, provided they meet the relevant criteria.

MILOVANOVIC